

FILED: June 27, 2016

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Nos. 16-9320, 16-9328
(2:07-cr-00016-F-2)

In re: CURTIS VARN MOTLEY, JR., a/k/a Varn Motley,

Movant.

O R D E R

Curtis Varn Motley, Jr., has filed motions pursuant to 28 U.S.C. §§ 2244(b), 2255(h) (2012), for authorization to file a second or successive 28 U.S.C. § 2255 (2012) motion. Motley has made a prima facie showing that the new rule of constitutional law announced in Johnson v. United States, 135 S. Ct. 2551 (2015), and held to apply retroactively to cases on collateral review by Welch v. United States, 136 S. Ct. 1257 (2016), may apply to his case. See In re Hubbard, __ F.3d __, No. 15-276, 2016 WL 3181417 (4th Cir. June 8, 2016). In No. 16-9328, we grant authorization for Motley to file a second or successive § 2255 motion, thus permitting consideration of the motion by the district court in the first instance. We deny as unnecessary the motion for authorization in No. 16-9320. The one-year limitations period of

28 U.S.C. § 2255(f)(3) for filing a § 2255 motion raising a claim relying on the Supreme Court's decision in Johnson expires on June 26, 2016.

Entered at the direction of the panel: Judge Keenan, Judge Thacker, and Judge Harris.

For the Court

/s/ Patricia S. Connor, Clerk